

JAN 17 2008

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MEMO ENDORSED

January 17, 2008

BY FACSIMILE (212) 805-6181

Honorable Douglas F. Eaton
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1360
New York, New York 10007

Re: Frankel v. City of New York, et al.
Docket No.: 06 Civ. 5450 (LTS)(DFE)
Docket No.: 07 Civ. 3436 (LTS)(DFE)

Dear Magistrate Judge Eaton:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York, New York City Department of Environmental Protection (hereinafter, "DEP"), Keino Leitch, Cecil McMaster, Martha Osenni and Romel Osbourne (collectively, "City Defendants") in the above-referenced consolidated action. City Defendants write, pursuant to the Court's January 3, 2008 order, to respectfully request a one-week adjournment, from January 17, 2008 until January 24, 2008, to submit to plaintiff their draft Rule 56.1 statement of undisputed facts. Plaintiff does not consent to this one-week adjournment.

While I have completed City Defendants' draft of their Rule 56.1 statement of undisputed facts, my supervisor has been unable to complete her review of the draft due to work constraints, and City Defendants thus respectfully request this brief adjournment to permit my supervisor time to complete her review of the draft such that any necessary revisions may be incorporated prior to submission of the draft Rule 56.1 statement to plaintiff. City Defendants recognize that the parties' exchange of respective draft Rule 56.1 statements will help to focus the forthcoming respective summary judgment motions and believe that this additional time will allow for meaningful review by my supervisor, and help to narrow the issues that should be presented to the Court. Moreover, City Defendants submit that, as the parties' deadline for filing

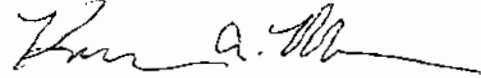
*1/17/08 - Over plaintiff's objection, I grant this request.
Douglas F. Eaton*

respective summary judgment motions is March 7, 2008 and the deadline for filing opposition is March 24, 2008, plaintiff will not be prejudiced by City Defendants' submission of their draft Rule 56.1 statement to him by January 24, 2008.

For the foregoing reasons, City Defendants respectfully request this one-week adjournment, from January 17, 2008 until January 24, 2008, to submit their draft Rule 56.1 statement to plaintiff.

Thank you for your consideration of this request.

Respectfully submitted,



Kevin A. Madden (KM 4999)
Assistant Corporation Counsel

cc: Mervyn Frankel (by facsimile)



**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, NY 10007
FACSIMILE TRANSMISSION

TO: Honorable Douglas F. Eaton FROM: Kevin A. Madden
FAX #: 212-805-6181 DATE: January 17, 2008

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Message:

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